

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:16-cr-20347

v.

Honorable Thomas L. Ludington
United States District Judge

MICHAEL CASEY JACKSON,

Defendant.

ORDER DENYING DEFENDANT’S MOTION FOR RECONSIDERATION

In January 2017, Defendant Michael Casey Jackson was sentenced to 165 months’ incarceration after pleading guilty to one count of unlawful imprisonment, 18 U.S.C. §§ 13, 1151, 1152; MICH. COMP. LAWS § 750.349b. ECF No. 31.

One year later, he filed a motion to vacate his sentence under 28 U.S.C. § 2255, ECF No. 32, which was denied, *Jackson v. United States*, No. 16-CR-20347, 2018 WL 2093947 (E.D. Mich. May 7, 2018). The Sixth Circuit Court of Appeals refused to issue a certificate of appealability because “reasonable jurists would not debate the district court’s resolution of Defendant’s claims.” *Jackson v. United States*, No. 18-1620, 2018 WL 11303587, at *1 (6th Cir. Aug. 27, 2018). Then he filed a petition for a writ of certiorari, ECF No. 47, which was denied, *Jackson v. United States*, 139 S. Ct. 1545 (2019) (Mem.), and a petition for rehearing, ECF No. 48, which was denied, *Jackson v. United States*, 140 S. Ct. 11 (2019) (Mem.).

On December 1, 2022, Defendant filed a “Rule 60(b) Motion for Reconsideration,” ECF No. 50 at PageID.223, which was denied because Rule 60(b), a Federal Rule of *Civil* Procedure, may not be used to modify a criminal sentence or conviction, ECF No. 51 at PageID.243 (citing *United States v. Gibson*, 424 F. App’x 461, 464 (6th Cir. 2011) (unpublished)).

Nineteen days later, Defendant filed a “Motion in support of the Rule 60(b) Motion for reconsideration,” which will be construed as a motion for reconsideration. ECF No. 52. Defendant again seeks an order vacating his 165-month sentence and directing his immediate release from prison under Federal Rule of Civil Procedure 60(b). *Id.* at PageID.254.

The Federal Rules of Criminal Procedure do not explicitly authorize motions for reconsideration, but the Supreme Court has held that defendants may file them in criminal cases. *See United States v. Ibarra*, 502 U.S. 1, 6–7 (1991) (per curiam); *see also United States v. Mack*, 831 F. App’x 787, 787 (6th Cir. 2020) (unpublished). “Motions for reconsideration in criminal cases are generally treated like motions for reconsideration in civil cases.” *United States v. Estrada*, No. 14-CR-20425, 2022 WL 17682630, at *1 (E.D. Mich. Dec. 14, 2022).

Reconsideration is permitted in three circumstances: (1) a mistake that changes the outcome of the prior decision, (2) an intervening change in controlling law that warrants a different outcome, or (3) new facts that warrant a different outcome. E.D. Mich. LR 7.1(h)(2).

Defendant does not argue that this Court made a mistake in concluding that Federal Rule of Civil Procedure 60(b) may not be used to modify a criminal conviction. Nor does Defendant argue that an intervening change in controlling law or new facts permit Rule 60(b) to be used to modify a criminal sentence. Defendant merely reasserts his conviction should be overturned because this Court lacked jurisdiction. *See generally* ECF No. 52. So his motion must be denied. *Fischer v. United States*, 589 F. Supp. 3d 726, 728 (E.D. Mich. 2022) (collecting cases); *accord Smith ex rel. Smith v. Mount Pleasant Pub. Schs.*, 298 F. Supp. 2d 636, 637 (E.D. Mich. 2003) (“[A] motion for reconsideration is not properly used as a vehicle to re-hash old arguments.” (citing *Sault Ste. Marie Tribe of Chippewa Indians v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998))).

Accordingly, it is **ORDERED** that Defendant's Motion for Reconsideration, ECF No. 52, is **DENIED**.

Dated: January 4, 2023

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge